



CITY OF  
TUCSON

PLANNING &  
DEVELOPMENT  
SERVICES  
DEPARTMENT

May 3, 2010

To: Subscriber to the Tucson *Land Use Code (LUC)*

**SUBJECT: SUPPLEMENT NO. 49 TO THE LAND USE CODE (LUC)**

Dear Subscriber:

Enclosed is Supplement No. 49 to your copy of the City of Tucson *Land Use Code (LUC)*. An explanation of the revisions included in this Supplement is also enclosed.

This Supplement includes Ordinance No. 10772, Affecting the Location of Charter Schools in Single Family Residences, adopted by the Mayor and Council on April 6, 2010. The adopted ordinance amends the City of Tucson Land Use Code, Chapter 23, Article III, Development Regulations, Division 5, Performance Criteria, Section 3.5.3, Civic Use Group.

Please recycle and replace pages in your *LUC* as follows:

<b>Article III. Development Regulations</b>		
<b>Item</b>	<b>Remove Old Pages</b>	<b>Insert New Pages</b>
Division 5. Performance Criteria	251 & 252	251, 252, 252.1
<b>Index</b>		
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Please insert and maintain this instruction sheet in the front of your copy of the *LUC*.

Should you have any questions while replacing these pages, please call me at 837-6951.

Sincerely,

Adam Smith, Principal Planner  
Planning & Development Services Department

Enclosures:      Summary of Amendment  
                     Supplement No. 49

C. *Prison Clustering Provisions.*

1. The site area is a minimum of one hundred fifty (150) acres.
2. The site is located within one-half (1/2) mile of at least one (1) jail or prison facility owned and operated by the federal or state government, and the jail or prison has a minimum design capacity of five hundred (500) beds.
3. The project does not adversely affect adjacent land uses or surrounding neighborhoods, or such adverse effects can be substantially mitigated through the application of additional conditions.

(Ord. No. 9239, §2, 6/14/99)

3.5.3.5 Cultural Use. Cultural Uses are subject to the following performance criteria, which are not subject to variance; however, if one (1) or more of the criteria cannot be met, the Mayor and Council can modify the criteria for a specific site where there is substantial conformance with the intent of the performance criteria.

- A. The use must be set back at least one hundred (100) feet from any property line.
- B. The use must provide a visual buffer where the site is adjacent to a residential use or zone. This can be accomplished by providing, for example, a landscape buffer, setbacks of buildings or uses, or masonry screen walls.
- C. Storage of fertilizer, manure, or other odorous material located in an enclosed building shall be set back a minimum of twenty (20) feet or if located outdoors shall be set back a minimum of forty (40) feet from any property line that is adjacent to a residential use or zone.
- D. Public access to the site must be from a Major Streets and Routes (MS&R) street or from a local street that is not an internal residential neighborhood street.
- E. The impacts of noise on adjacent residential uses should be mitigated to comply with the noise regulations in Chapter 11 of the Tucson Code.
- F. Hours of operation for the cultural use, as well as any secondary use, should be detailed in the application and should be limited, in order to assure compatibility with adjacent residential uses.
- G. Outdoor lighting shall be limited in height and shielded from adjacent residential uses.
- H. The trip generation and traffic impacts on the surrounding streets will be analyzed, and mitigation measures will be provided.

(Ord. No. 9336, §1, 12/13/99)

3.5.3.6 Religious Use. The use must be set back at least eighty (80) feet from any property line.

3.5.3.7 Educational Uses. Educational Uses are subject to the following performance criteria. No variances are permitted; however, if the criteria cannot be met, the applicant can request approval through a Special Exception Land Use if permitted within the zone.

- A. *Licensing.* If licensing, certification, or similar type of approval is required by the State of Arizona for the use, proof of such licensure, certification, or approval shall be provided. Such information shall include the number of students for which the school is approved. (Ord. No. 9392, §1, 5/22/00)

Zoning compliance shall not be granted for an Educational Use which has approval from the authorizing agency for more students than can be accommodated on the site in accordance with zoning requirements.

B. *Site Area.*

1. Except as provided below for charter schools, the minimum required site area for educational uses in residential zones is five (5) acres, unless a greater site area is required under the applicable Development Designator, or the ratio of one thousand four hundred fifty-two (1,452) square feet of site area for each student proposed for the school, whichever is greater, up to a maximum of ten (10) acres for elementary schools (Grades K-6), twenty (20) acres for middle schools (Grades 7 and 8), and forty (40) acres for high schools (Grades 9-12). For the purposes of this requirement, the number of students applied in this calculation is the number for which the school has been approved by the authorizing agency. If a maximum number of students is not stipulated as part of the approval from the authorizing agency, then the number used in the calculation shall be the amount proposed by the applicant.
2. A single family residence on less than one acre shall not be occupied as or converted into a charter school.
3. In nonresidential zones, the minimum site area shall be in accordance with the applicable Development Designator for the use.

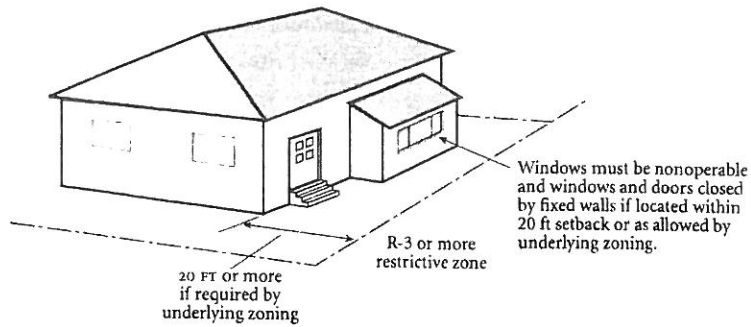
C. *Hours and Days of Operation.* Educational Uses within Neighborhood Commercial (NC) or more restrictive zoning are limited in hours of operation to 6:00 a.m. to 7:00 p.m., Monday through Friday only.

D. *Outdoor Activity.* All outdoor activity shall be held more than fifty (50) feet away from the property line where adjacent to R-3 or more restrictive zoning. The use of loudspeakers, amplifiers, or similar type equipment outdoors is not permitted on the school site within one hundred (100) feet of the property line where adjacent to R-3 or more restrictive zoning.

E. *Vehicular and Pedestrian Access.* Vehicular and pedestrian access to the Educational Use site must be from a street designated as a major street by the Major Streets and Routes (MS&R) Plan or from a local street other than an internal residential neighborhood street for sites zoned C-1 or more restrictive zoning.

F. *Building Setback.* The minimum building setback from all property lines adjacent to R-3 or more restrictive zoning is twenty (20) feet, unless the setback requirements of the applicable Development Designator are greater. Building setbacks may be reduced from the twenty (20) feet to the setback required under the applicable Development Designator if there are no openings on the side of the building adjacent to R-3 or more restrictive zoning. If the building wall is parallel to the property line, only that side of the building facing the property line must have no openings. If the building is not parallel to the property line, there may be no openings within twenty (20) feet of the property line. For the purposes of this Section, "no openings" means all windows and doors are closed by fixed walls or nonoperable windows. Where openings are not allowed, an emergency exit door, which can only be opened from inside the building and has an alarm, is allowed. (See *Illustration 3.5.3.7.F.*)

CITY OF TUCSON *LAND USE CODE*  
ARTICLE III. DEVELOPMENT REGULATIONS  
DIVISION 5. PERFORMANCE CRITERIA



**3.5.3.7.F Building Setback for Educational Uses**

- G. *Passenger Drop-Off Areas.* Passenger drop-off parking areas shall be provided at a ratio of one (1) motor vehicle parking space (parallel) for every twenty (20) students for which the school is authorized, up to a total of eight (8) spaces using two lanes with the parking on the inside lane. These spaces are in addition to the required off-street parking spaces.

(Ord. No. 9075, §1, 6/15/98)

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## APPENDIX 1

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